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Security Council

Fifty-eighth year

Provisional

4828th meeting

Tuesday, 16 September 2003, 4.20 p.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Banoum
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Pujalte
	Pakistan	Mr. Akram
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question

Letter dated 12 September 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/880)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-52158 (E)

The meeting was called to order at 4.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

Letter dated 12 September 2003 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council (S/2003/880)

The President: The Security Council will now continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2003/891, which contains the text of a draft resolution submitted by Pakistan, South Africa, the Sudan and the Syrian Arab Republic.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Angola, Cameroon, Chile, China, France, Guinea, Mexico, Pakistan, Russian Federation, Spain, Syrian Arab Republic.

Against:
United States of America.

Abstaining:
Bulgaria, Germany, United Kingdom of Great Britain and Northern Ireland.

The President: The result of the voting is as follows: 11 votes in favour, 1 against and 3 abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Negroponte (United States of America): As we stated yesterday, while all parties have responsibilities in bringing peace to the Middle East, ending terrorism must be the highest priority. The draft resolution put forward today was flawed in that it failed to include the following three elements: a robust condemnation of acts of terrorism; an explicit condemnation of Hamas, the Palestinian Islamic Jihad and the Al-Aqsa Martyrs Brigade as organizations responsible for acts of terrorism; and a call for the dismantlement of infrastructure that supports these terror operations wherever located, consistent with resolution 1373 (2001). This draft resolution did not take a clear stand against the actions of these terrorist groups or call for decisive action against them.

The Palestinian Authority must take action to remove the capability of extremist groups to conduct terrorist outrages. In addition, Israel must move forward and fulfil its obligations and commitments under the road map and the Aqaba summit, including improving the daily lives of Palestinians.

As we said yesterday, we will not support any draft resolution that evades the explicit threat to the Middle East peace process posed by Hamas and other such terrorist groups. The United States opposed the draft resolution, as it failed to do just that.

We note once again that the Government of Israel is already aware of the views of the Council members on the issue of Mr. Arafat. Moreover, Secretary of State Powell stated that the United States does not support either the elimination of Mr. Arafat or his forced exile. While Mr. Arafat is part of the problem, we believe that this problem is best solved through diplomatic isolation, and we have made that view clear.

For its part, the United States, along with Quartet partners, will continue to work towards the implementation of President Bush's vision of a two-State solution to the Israeli-Palestinian conflict, as set forth in the road map.

Our diplomatic personnel, including Secretary of State Powell, Ambassador Wolfe and our missions in the region, are intensively engaged with both parties at the highest levels. We remain committed to the road map as the way forward towards the goal of the Israeli and Palestinian peoples living side by side in peace, security and freedom.

Mr. Tafrov (Bulgaria) (*spoke in French*): Bulgaria abstained in the voting on the draft resolution, as it does whenever there is no unanimity on the

Council or, worse yet — like today, regrettably — there is an impasse.

Given the extremely grave situation in the Middle East, the Council should have made an extra effort to find consensus. Bulgaria appeals yet again to the Palestinian Authority to do all it is called upon to do in the Quartet's road map in order to stop the suicide attacks and all acts of terrorism against Israeli civilians. We also call on the Government of Israel to halt the extrajudicial killings and to renounce its intention to expel President Yasser Arafat, as called for by the Quartet's road map.

Mr. Pleuger (Germany): My delegation is disappointed by the outcome of the voting. This voting sends the wrong signal to the parties and gives rise to the perception of the Security Council as not living up to its responsibilities.

On behalf of my Government, I should like to state that, in abstaining in the voting on the draft resolution, my Government's view with regard to the decision by the Israeli Government in principle to expel the President of the Palestinian Authority, Mr. Arafat, has not changed. My Government continues to hold that the said decision in itself is detrimental to the peace process and that putting the decision into effect would entail the risk of further destabilization.

We therefore once again call on the Israeli Government to revoke its decision and reiterate the importance of both parties exercising utmost restraint at this crucial time for the Middle East peace process. In our view, all efforts now should, more than ever before, be directed at returning to the road map, implementing it in good faith and strengthening the Quartet.

Mr. Akram (Pakistan): Pakistan sponsored and voted in favour of the draft resolution in document S/2003/891. We did so because we believed that it was important to send a message to all concerned that any contemplated act of deportation of Mr. Arafat would be illegal and inconsistent with the objectives of the Middle East peace process. This message, clearly, was transmitted yesterday in the open debate held by the Council, with the participation of the wider membership of the United Nations.

This draft resolution enjoyed the broad support of the non-aligned members and was sponsored by the Arab Group. The vote we have taken reflects the fact that it also enjoyed the support of the majority of the members of the Security Council. My delegation regrets that it was not possible for the Security Council to move forward in a united way. This will have implications for our actions in other areas. Several Council members tried up to the last minute to evolve a text that would be acceptable to all sides. We thank all those delegations that took part in these good faith efforts.

Let me take this opportunity to reaffirm Pakistan's opposition to terrorism in all forms and manifestations anywhere in the world. This includes State terrorism. At the same time, as stated by the Secretary-General during the ministerial meeting of the Council on 20 January this year, the issue of terrorism should not be used "to demonize political opponents" (S/PV.4688, p. 3) and to "delegitimize legitimate political grievances" (ibid.). The Secretary-General also noted that

> "States fighting various forms of unrest or insurgency are finding it tempting to abandon the slow, difficult but sometimes necessary processes of political negotiation for the deceptively easy option of military action" (ibid.).

The Secretary-General advised us all to

> "act with determination to address — indeed, solve — the political disputes and longstanding conflicts that underlie, fuel and generate support for terrorism" (ibid.).

It is unfortunate that, rather than heeding the Secretary-General's call, the States which were being addressed are suppressing the right of peoples to self-determination in the Middle East and South Asia and are now joining together in what is advertised as an alliance against terrorism, but what is more likely to emerge as an axis of oppression.

We would strongly urge the Government of Israel, rather than resort to extreme actions, such as deportation or worse for Mr. Yasser Arafat, the President of Palestine, to join in concerted action to assist the Palestinian people in regaining their rights and to facilitate the end of their dispossession. They deserve to exercise the right of self-determination promised to them by the Security Council. The international community has a clear responsibility to realize this as well.

Another unambiguous message that emerged from yesterday's debate is the need for the parties to rededicate themselves to the Quartet's road map and to commence its implementation in good faith. We hope that the parties will take cognizance of the desire and determination of the international community.

For its part, Pakistan will continue to support every effort that takes us closer to the fulfilment of the vision of two States, Israel and Palestine, living in the holy land in peace with each other and with an end, finally, to the epic tragedy of Palestine.

Mr. De La Sablière (France) (spoke in French): France voted in favour of the text submitted to a vote, which seems to us to reflect the general message expressed yesterday in the open debate. Violence and terrorism must end. The decision to expel President Arafat is against the law, politically counterproductive and should not be implemented. The road map is the best path possible and should be fully implemented by both parties. The Quartet must pursue and intensify its efforts.

We should have liked the Council to achieve consensus on such a message. We regret the outcome of the voting. It is a seriously counterproductive result.

Mr. Muñoz (Chile) (*spoke in Spanish*): My delegation voted in favour of the draft resolution because it reflected our views. The Government of Chile unequivocally condemned the Government of Israel's announcement with regard to the removal from the occupied territories of the President of the Palestinian National Authority. Such an action would not contribute to the achievement of peace in the Middle East and would go against the dignity of a people and its Authority — an Authority that was legitimately established on the basis of a democratic process.

We would have preferred a consensus resolution. The non-approval of the draft resolution did not, however, prevent our voting in favour of it. But we fear that this situation will not be helpful to the political process in the Middle East or to the implementation of the road map. Nonetheless, we believe that all necessary efforts must be made to return to peace negotiations within the framework of international law, in strict compliance with United Nations resolutions and with the commitments solemnly undertaken at the Aqaba Summit for the effective implementation of the road map of the Madrid Quartet.

This afternoon's developments, however, are not a cause for optimism. We must now think about the need for perseverance and patience so that we can again, perhaps, take up our efforts for peace that the people of Palestine and Israel deserve.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): It is regrettable that, despite all of the efforts of the Arab Group in general and of the Syrian delegation in particular, and notwithstanding the flexibility and patience that we have shown in the past few days, we have not been able to achieve the desired result. We were not able to do so in spite of the fact that the draft resolution, which was supported by the Non-Aligned Movement, was extremely balanced. We wish to emphasize in this respect that the wording used in most of the paragraphs of the draft resolution was inspired by the language of earlier resolutions that were adopted by the Security Council, given the evolution of the situation in the occupied Palestinian territories.

The fact that the delegation of the United States used its veto is greatly to be regretted. International law is being threatened, and the fact that that veto did not allow the Security Council to carry out its functions with respect to an issue of international peace and security is regrettable. That will only further complicate an already complex situation in the Middle East and have a negative impact on the general situation there.

We made every effort to reflect the discussions that took place, as well as the dynamic that we have observed in the international community with a view to halting Israeli actions, stopping the destruction that has been taking place in the past few years and putting an end to the deaths, which now number thousands. Israel has also tried to expel the Palestinian people from their land and to build settlements on Palestinian territory. Recently, Israel threatened to kill or to expel the Palestinian President. That is contrary to the principles of international law, the United Nations Charter and, in particular, the Fourth Geneva Convention.

Despite the fact that the draft resolution was not adopted, during deliberations yesterday the Security Council stated that it rejected the actions and policies of Israel. Syria therefore believes that Israel bears the responsibility for its illogical policy and that Israel is also responsible for having scuttled the peace process in the Middle East, as well as for all of the consequences that flow from that policy.

I would like to express our gratitude and appreciation to those States members of the Council that supported the draft resolution and voted in favour of it. We would also like to note that Syria's commitment, within the United Nations, to resolve all of the problems that we are confronting today, particularly in the Middle East, remains steadfast. Our people look forward to the day when a just and comprehensive peace will reign in the Middle East, and when the occupied Palestinian lands, as well as those in Syria and Lebanon, will be returned to their rightful owners in accordance with resolutions 242 (1967) and 338 (1973), and in conformity with the Madrid terms of reference, the principle of land for peace and the resolutions adopted at the Beirut Arab Summit of 2001.

Mr. Arias (Spain) (*spoke in Spanish*): The result of the vote was very disappointing. The Council had to send a clear message with regard to the announcement regarding the possible expulsion of the leader of the Palestinian National Authority — an action that not only would have no legal basis but, as all members of the Council know, would also be an enormous political error that could have very serious consequences.

My delegation has always spoken out against all acts of terrorism; nothing can justify such acts. Clearly there was room for improvement in the draft resolution in that respect, although the operative part did include a demand for an end to all acts of terrorism. Furthermore, it expressed fully its support for the efforts of the Quartet. It was necessary to give a clear, unambiguous and unanimous message about the mistake that expelling the leader of the Palestinian Authority would represent. I therefore regret that the Council was unable to find unanimity on that issue.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

The United Kingdom has repeatedly made clear to the Israeli Government that expelling or harming President Arafat would be wrong and counterproductive. Israel should not allow its justified anger at the continuing violence to lead to actions that would undermine both the peace process and Israel's own interests.

The United Kingdom believes that the road map remains valid and that today it is even more important that it be pursued. We urge the parties, in conjunction with the members of the Quartet, to work for its full and rapid implementation. The United Kingdom remains ready to assist with the implementation of the road map.

The road map is comprehensive, but some elements seem particularly relevant, given recent events. In phase one, the road map calls on the Palestinians to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks on Israelis anywhere. That is still valid and ever more pressing.

In the same vein, the road map calls on Israel to take no actions undermining trust, including deportations, attacks on civilians, confiscation and/or demolition of Palestinian homes and property as a punitive measure or to facilitate Israeli construction, destruction of Palestinian institutions and infrastructure and other measures specified in the work plan. Again, it seems very relevant to where we find ourselves today. I therefore agree with Mr. Roed-Larsen, who yesterday said that bold parallel steps were needed.

The United Kingdom considers that the text before us was insufficiently balanced and therefore unhelpful in the context of implementing the road map. As the sponsors of the resolution felt unable to accommodate United Kingdom amendments intended to achieve a better balance, the United Kingdom abstained in the vote on the text. We regret, however, that a balanced resolution failed to pass, and we urge Israel not to misunderstand the international community's unanimous rejection of their decision in principle to remove President Arafat from the Palestinian areas. Both parties should understand that the international community wants the full, urgent implementation of the road map.

I now resume my function as President of the Council.

I remind the Council that, in accordance with the decision taken at the 4824th meeting of the Council, on 15 September 2003, I invite the Permanent Observer of Palestine to take a seat at the Council table.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: In accordance with the decision taken at that same meeting, on 15 September 2003, I invite the representative of Israel to take a seat at the Council table.

At the invitation of the President, Mr. Gillerman (Israel) took a seat at the Council table.

The President: I now call on the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): For the record, during the years that I have worked here I have never seen the Security Council invite us to sit at the Council table while an specific issue is being deliberated. Then the Council decided to conduct the vote in our absence. I do not know the reason for that, but I understand that that has not been the usual practice at any previous meetings.

We, with the Arab Group, co-sponsored a draft resolution that was very moderate. We thought that it would be adopted and would have broad support, amounting to 14 votes. However, in light of what we have been told or has been stated publicly by Member States, I would like to assure the Council that the United States delegation did not declare that it would use its veto power. It did not inform us, a Permanent Observer Mission, of that, not even as a courtesy. Therefore, that delegation did not make any direct proposals for amendments and did not conduct any discussions with us. That, I believe, raises a question about what has transpired so far.

Generally speaking, it is regrettable that not only has the position of the United States of America been biased in favour of Israel for so many years, but also that it has been transformed into a position that accepts Israeli logic and positions almost completely, to such an extent that it has basically become a heavy, dark shadow over the entire process that does not permit the United States to play an unbiased role in the Arab-Israeli conflict or to act as an honest sponsor of the peace process.

As for President Arafat and the Palestinian leadership, I wish to reiterate that the Palestinian people will not accept outside interference, particularly if the interfering parties are considered unfriendly by our people. The Palestinian people will not accept any interference regarding who is going to be politically isolated or who is going to retain his position.

Serious consequences may follow the use of veto, such as the possibility of wrong interpretation by Mr. Sharon's Government in Israel, and the United States alone will bear the responsibility for that. It is also regrettable that the United Kingdom and Germany chose to abstain in the vote for reasons that remain incomprehensible to us.

I wish to reassure the Council once again that we will not refrain from working with it. We will return to it, perhaps in the near future. We will not be intimidated by what has happened. We are encouraged by the positions of many Council members who have done their best to preserve the role of the Security Council, in keeping with the Charter, and who have attempted to maintain a reasonable, balanced and moderate political position that will be in the interest of the peace process in the region.

Finally, I wish to thank all the Member States that co-sponsored the draft resolution and those who that voted in favour of it.

The President: I would just like to assure the Council as a whole and those watching that the procedure followed by the presidency accords with the advice of the Secretariat and conforms to the established practice of the Council, lest there be any doubt about that.

I now give the floor to the representative of Israel.

Mr. Gillerman (Israel): I would first like to congratulate you, Sir, on the able, efficient and considerate manner in which you handled yesterday's debate and its continuation today.

The draft resolution presented before the Council today for voting was, in our view, tragically lopsided. I would therefore like to commend those countries that did not support it.

I would like to take this opportunity to reiterate a number of points from Israel's perspective. The draft resolution did not focus on terrorism killing innocent men, women and children, killing in the process the hopes for peace. It did not focus on the clear legal responsibility of the Palestinian leadership to dismantle the terrorist infrastructure including confronting groups such as Hamas, the Palestinian Islamic Jihad, the Fatah, Tanzim and others, whose acts of murder lie at the very heart of the problem.

Instead, it focused its criticism on the victims of terrorism and on the response to terrorists rather than on terrorism itself. In a perverse manner, the draft resolution sought to equate the deliberate murder of innocent civilians with targeted counter-terrorism

operations directed against those illegal combatants responsible for murder and for continuing to plan further acts of terror.

The adoption of the draft resolution would have harmed efforts to bolster the peace process. The draft resolution would have come to the defence of a man who has devoted all his energies to scuttling the road map and who continues to cause untold suffering to both Israelis and Palestinians through his support and toleration of terrorism.

To advance the cause of peace, we do not need more one-sided United Nations resolutions. Lord knows we do not need to increase the already unprecedented burden on United Nations time and resources that is expended every single year by pandering to the Palestinian representative's endless partisan initiatives.

What we need is for both sides to commit themselves to the cause of peace and to resolving this dispute through dialogue in an atmosphere free from terrorism, violence and incitement, which, unfortunately and tragically, have been the tool of Mr. Arafat's corrupt leadership for far too long a time.

The President: The Permanent Observer of Palestine would like to respond to what was just said? I think the answer is that you have the right. The floor is yours.

Mr. Al-Kidwa (Palestine): I will speak with my broken English and my bad voice today. I just wanted to remind you that today is the twenty-first anniversary of the massacre of Sabra and Shatila. You remember, that? You remember, Mr. Sharon? Just for the record.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.10 p.m.